IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2096 OF 2005

Smt.Saroj Wandrekar ..Applicant

Vs.

Mr.Chandrkant Udaychand Mehta
& Anr. ..Respondents

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Mr.Bajpai Mahindra i/b J.D.Singh Advocate for Applicant
Mr.M.S.Mohite for respondent no.1
Mr.S.R.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 6, 2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent no.1-original complainant and the learned A.P.P. for the State.

2. The complaint i.e. C.C.No.590 of 2004 has been filed against the applicant before the learned Metropolitan Magistrate, 43rd Court Borivali (now transferred to learned Metropolitan Magistrate, 24th Court, Borivali). In the said case, process

came to be issued against the applicant under Sections 499, 500 r.w. 114 of IPC. The applicant is praying for quashing of the said complaint and proceeding relating thereto.

3. The complainant who is present in person, has stated that if an apology is given by the applicant in respect of statements which are subject matter of the complaint, he would not pursue his complaint. Accordingly, apology has been tendered by the applicant to the complainant. The said apology is accepted, taken on record and marked as ‘X’ for identification. The complainant has stated that in view of this apology, he does not wish to pursue his complaint in respect of applicant. The complainant has further stated that on account of this apology, the grievance has been settled once for all between him and the applicant and he will also not file any claim for damages. Looking to this fact, I am of the opinion that the prayer of the applicant for quashing of the proceedings can be considered. Accordingly, the complaint i.e. No.CC No.590 of 2004 and the proceedings relating thereto, in respect of the

applicant, are quashed. It is made clear that the proceedings would continue in respect of other accused persons.

4. Application is disposed of.

[V.K.TAHILRAMANI,J.]